

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: Glen A. Gordon

Application No. 10/749,324

Filed: December 31, 2003

Confirmation No. 1774

For: METHOD AND APPARATUS FOR
PULSED ELECTROMAGNETIC
THERAPY

Examiner: John P. Lacyk

Art Unit: 3736

Attorney Reference No. 7451-71902-01

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent
for Applicant

Date Mailed

10-11-05

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Renewed Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 C.F.R. 1.137(f))
- ☒ Exhibits A-D
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Patrick M. Bible
Registration No. 44,423

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446
cc: Client; Docketing



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MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR
INTERNATIONAL FILING (37 C.F.R. 1.137(f))**

Dear Sir or Madam:

In response to the Decision Dismissing Petition under 37 C.F.R. § 1.137(b) ("Decision") dated September 30, 2005, Applicant respectfully requests reconsideration of the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. § 1.137(b) submitted previously on August 11, 2004 ("Petition").

In the Decision, the Office of Petitions indicated that it could not make a determination of whether or not the application was, in fact, abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) because the filing date of the foreign or international application was not stated. The filing date of the corresponding Canadian application is December 31, 2003. A copy of the front page of the published Canadian application showing this information is enclosed as Exhibit A.

Applicant hereby resubmits the Petition (Exhibit B), the Statement Establishing Unintentional Delay (Exhibit C), and the Rescission of Previous Nonpublication Request and

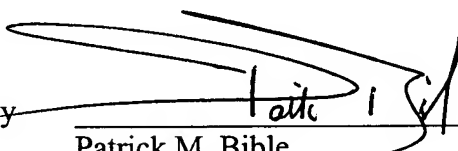
Notice of Foreign Filing (Exhibit D). The petition now includes all necessary materials and favorable reconsideration is requested.

The Decision indicated that no additional fee is required. However, if any additional fee is required, the Commissioner is hereby authorized to charge any such fee to Account No. 02-4550. A copy of this communication is enclosed.

If any further information is required, please telephone the undersigned.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
Patrick M. Bible
Registration No. 44,423

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CA 2454749 A1 2004/06/30

(21) **2 454 749**

(12) **DEMANDE DE BREVET CANADIEN
CANADIAN PATENT APPLICATION**

(13) **A1**

(22) Date de dépôt/Filing Date: 2003/12/31

(41) Mise à la disp. pub./Open to Public Insp.: 2004/06/30

(30) Priorité/Priority: 2002/12/31 (60/437,247) US

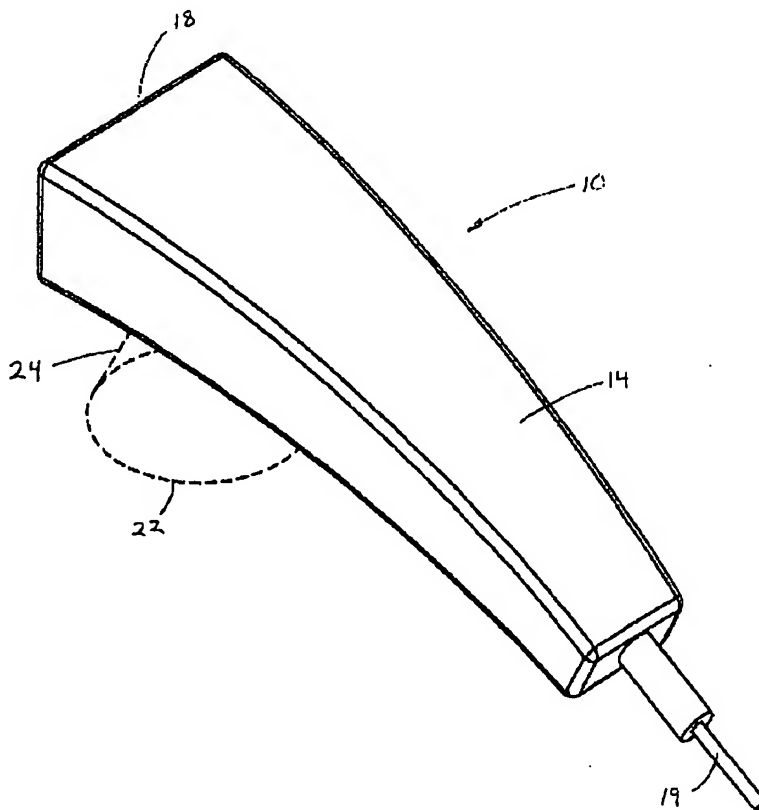
(51) Cl.Int.⁷/Int.Cl.⁷ A61N 2/00, A61N 2/04

(71) Demandeur/Applicant:
GORDON, GLEN A., US

(72) Inventeur/Inventor:
GORDON, GLEN A., US

(74) Agent: RUSSELL REYNEKE

(54) Titre : METHODE ET APPAREIL DE THERAPIE PAR IMPULSIONS ELECTROMAGNETIQUES
(54) Title: METHOD AND APPARATUS FOR PULSED ELECTROMAGNETIC THERAPY



(57) Abrégé/Abstract:

An apparatus and method for applying pulsed electromagnetic therapy to humans and animals. A straight wire element is employed to generate the magnetic field. A power and timer circuit supplies current pulses that approximate square pulses in form, so that the straight wire element generates magnetic pulses having rapid rise and fall times. Peak field strength is



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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

P3245

First named inventor: GORDON, Glen A.

Application No.: 10/749,324

Art Unit: 3762

Filed: 31 December 2003

Examiner: unknown

Title: Method and apparatus for pulsed electromagnetic therapy

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☒ Small entity-fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))
2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the
on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief
and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COPIES
ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT**B**

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

11 August 2004

Date

Telephone

Number: 360-647-1976

Signature

TODD N. HATHAWAY

Typed or printed name

Reg. No. 32,991

119 N. Commercial Street, #620

Address

Bellingham, WA 98225

Address

Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

11 August 2004

Date

Signature

Heather M. Olson

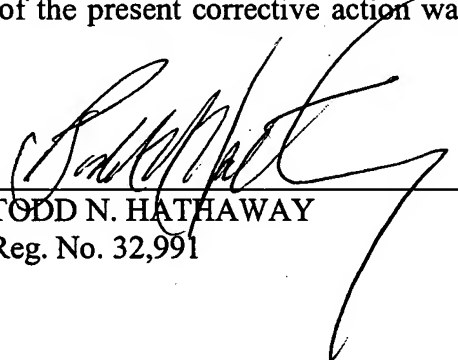
Type or printed name of person signing certificate

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Due to a clerical oversight, a Canadian patent application corresponding to the present U.S. Non-Provisional patent application (Application Number 10/749,324) was inadvertently filed prior to submitting a request for withdrawal from nonpublication with the USPTO. This error was discovered by Applicant's representative during a routine review of the file. The error has been corrected immediately after the discovery by the filing of a USPTO Form SB/36, Rescission of Previous Nonpublication Request and Notice of Foreign Filing. In view of more than forty-five (45) days having elapsed from the date on which the Canadian application was filed, the attached Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) has also been immediately filed.

The entire delay from the error to the filing of the present corrective action was therefore unintentional.

Dated: 11 August 2004


TODD N. HATHAWAY
Reg. No. 32,991



COPY

PTO/SB/36 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**RESCISSION OF PREVIOUS
NONPUBLICATION REQUEST**
(35 U.S.C. 122(b)(2)(B)(ii))
**AND, IF APPLICABLE,
NOTICE OF FOREIGN FILING**
(35 U.S.C. 122(b)(2)(B)(iii))

Send completed form to:
Mail Stop PG Pub
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 305-8568

Application Number	10/749,324
Filing Date	31 December 2003
First Named Inventor	GORDON, Glen A.
Title	Method and apparatus for pulsed
Atty Docket Number	P3245
Group Art Unit	3762
Examiner	

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby **rescind** the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

11 August 2004

Date

360-647-1976

Telephone Number


(Signature)TODD N. HATHAWAY Reg. No. 32,991

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b).

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at PGPub@USPTO.gov.

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Name (Print/Type)

Heather M. Olson

Signature

Heather M. Olson

Date

11 August 2004

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO:** Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EXHIBITD